

EJK

Notice of Allowability	Application No.	Applicant(s)	
	10/826,350	MOTOI ET AL.	
	Examiner	Art Unit	
	Zia R. Hashmi	2881	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/28/2005.
2. ☒ The allowed claim(s) is/are 1-17 and 19-26.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>10/31/2005</u> | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

Allowable Subject Matter

1. A "Supplemental Amendment" was received on February 16, 2006. Independent claims 24-26 have been amended by Examiner's Amendment, as indicated.
2. Previously, an "Amendment" was received on October 28, 2005, in response to the Office Action of July 26, 2005. Claim 18 has been canceled, claims 1-3, 5, 6, 9, 11, 16, 19, 20, & 23-25 have been amended, and claim 26 has been added, as indicated. It is noted that application 10/488,974, which was cited in the previous Office Action in regard to obvious double patenting rejection has been expressly abandoned.
3. Claims 1-17 and 19-26 are allowed.
4. The following is an examiner's statement of reasons for allowance:
5. With respect to independent claims 1, 25 and 26, prior art fails to disclose an information acquisition apparatus comprising: a stage for placing a specimen; a cooling means for cooling the specimen, an exposure means for exposing a surface of the specimen of which surface information is desired, and an information acquisition means for acquiring the information relating to the surface exposed by said exposure means wherein the cooling is carried out at the time of the exposing of the surface, or at the time of acquiring the information relating to the surface of the specimen.
6. With respect to independent claims 5, 16, and 20, prior art further fails to disclose a cross section evaluating apparatus comprising: a stage for placing a specimen; a cooling means for cooling the specimen; an ion beam generation means for irradiating the specimen with an ion beam thereby cutting out a cross section or working the

specimen, an electron beam generation means for irradiating the specimen with an electron beam; and a detection means for detecting an emission signal emitted from the specimen in response to the irradiation with the ion beam or the irradiation with the electron beam, to acquire information from said detection means wherein the cooling is carried out at the time of the cutting out of the cross section.

7. With respect to independent claims 23 and 24, prior art further fails to disclose a cross section working apparatus for working a cross section of a specimen, comprising: a stage for placing the specimen, a cooling means for cooling said specimen, a beam generation means for irradiating the specimen with a beam to execute a working of the specimen, and a sealing means for sealingly accommodating the specimen and the stage before conveying the stage and the specimen prior to working, wherein the cooling is carried out at the time of the executing of the working of the specimen, or at the time of irradiating the specimen with the beam.

Claims 2-4, 6-15, 17, 19, and 21-22, are allowed by virtue of their dependencies on the independent claims 1, 5, 16, and 20.

Conclusion

8. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments of Statement of Reasons for Allowance".

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published

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applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact Electronic Business Center (EBC) at 866-217-9197 (toll-free).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zia Hashmi whose telephone number is (571) 272-2473. The examiner can normally be reached between 8.30 AM- 5 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R. Lee can be reached on (571) 272-2477.

Zia Hashmi

February 17, 2006.



NIKITA WELLS
PRIMARY EXAMINER

02/17/06